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Alaska's Wage and Hour Administration issues Wage and Hour Opinion Letters (WHOLs), which address subjects under general wage and hour law, and Public Contracts Opinion Letters (Polls), which generally address coverage questions under the state's Little Davis-Bacon Act. These opinion letters are responses to inquiries from individuals or organizations for determinations of Alaska Department of Labor policy in regard to a specific set of facts or circumstances as described to the department.

It is important to note that, although the determinations expressed were accurate at the time of the writing, due to changes in statutes, regulations, or policy, some may no longer reflect current department policy. Each opinion is based solely upon the information provided by the entity requesting the opinion. As these determinations are based on the given facts for each particular situation, they may not apply to comparable situations with slightly differing circumstances. It is advisable to contact Alaska's Wage and Hour Administration for clarification before applying these policy determinations to any other situations.

The Opinion Letters indexes are comprehensive lists in chronological order of all the Wage and Hour Opinion Letters (WHOLs) and Public Contracts Opinion Letters (PCOLs) that Alaska's Wage and Hour Office has issued through the most recent calendar quarter. This index is

updated quarterly. People interested in reviewing letters from the following lists should contact the nearest **Wage and Hour Administration Office**. There will be a copying charge of 25 cents per page for any requests that exceed 20 pages.

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WAGE AND HOUR OPINION LETTER (WHOL) REGISTER

NUMBER	DATE	SUBJECT MATTER
1	1/13/82	ON-CALL AND STANDBY TIME
2	2/16/82	DEDUCTIONS/EXEMPTION - TEST FOR SALARIED EMPLOYEES
3	3/2/82	VOLUNTEER WORKERS
4	4/4/82	NONPROFIT HOSPITAL - DEFINITIONS
5	7/14/82	UNIT SUPERVISORS AS EXEMPT EMPLOYEES FROM MINIMUM WAGE AND OVERTIME
6	7/15/82	NONPROFIT HOSPITAL - OVERTIME
7	7/27/82	NONPROFIT HOSPITAL - OVERTIME
8	8/5/82	CHILD LABOR - STEVEDORING
9	8/18/82	NONPROFIT VOLUNTEERS
10	8/18/82	HOLIDAY PAY AND OVERTIME
11	VOIDED	--MODIFIED BY FLSA IN 1986--
12	VOIDED	--MODIFIED BY NEW CASE LAW--
13	VOIDED	--OVERTURNED BY FLSA IN 1986--
14	10/29/82	REPORTERS IN SMALL MARKETS NOT EXEMPT FROM OVERTIME
15	11/12/82	WITHHOLDING PAYMENT FOR SICK LEAVE -CONTRACT PRECEDENT
16	11/12/82	WORK TRAINING PROGRAMS/SPECIAL ED STUDENTS
17	VOIDED	--NEW STATE LAW PASSED IN 1992--
18	2/24/83	CASH REGISTER SHORTAGES
19	VOIDED	--NEW REGULATION IN 1985--
20	9/1/83	PROFESSIONAL EXEMPTION FOR MARINE CARGO INSPECTORS
21	10/27/83	PAYMENT OF FINAL WAGES TO TEMPORARY EMPLOYEES
22	1/13/84	PROFESSIONAL EXEMPTION FOR WICCA STAFF WITH 11/1/84 ADDENDUM
23	4/24/84	CALEB BRETT FORMULA FOR COMPUTING REGULAR RATE FROM FLUXUATING WORK WEEK
24	8/23/84	EMPLOYMENT AGENCY INVESTIGATION
25	8/31/84	HORTICULTURAL/AGRICULTURAL EMPLOYEES - MINIMUM WAGE AND OVERTIME

WAGE AND HOUR OPINION LETTER (WHOL) REGISTER

NUMBER	DATE	SUBJECT MATTER
26	12/13/84	AGC NOT AN EMPLOYMENT AGENCY
27	1/25/85	PROFESSIONALLY EXEMPT STATUS FOR ALCOHOL ABUSE COUNSELORS
28	1/10/85	ADMINISTRATIVE EXEMPT STATUS OF "INSPECTORS"
29	2/8/85	PROFESSIONALLY EXEMPT STATUS OF MENTAL HEALTH AID WITH 4/29/85 ADDENDUM
30	2/8/85	BONUSES, TRANSPORTATION COSTS AND DEDUCTIONS
31	5/10/85	EXEMPT STATUS OF CORPORATE PILOTS
32	5/21/85	JONES ACT
33	5/22/85	JOINT EMPLOYERS
34	REMOVED	NOT APPLICABLE
35	7/24/85	ASSISTANT CONTROLLER - EXEMPT STATUS
36	7/29/85	RESIDENT COORDINATOR - EXEMPT STATUS WITH 8/26/85 ADDENDUM
37	9/10/85	ADULT DAY CARE COORDINATOR - EXEMPT STATUS
38	9/17/85	IREMSC ADMINISTRATIVE AND COORDINATOR PERSONNEL - EXEMPT STATUS
39	10/16/85	STUDENT COUNSELORS - EXEMPT STATUS
40	10/16/85	OUT TRAINED ENGINEERS - PROFESSIONALLY EXEMPT
41	10/30/85	TERMINATION PAY FOR COMMISSION SALES WITH 4/7/87 ADDENDUM ON COMMISSION SALES CONTRACTS
42	11/1/85	AQUACULTURE ASSOCIATIONS ARE POLITICAL SUBDIVISIONS
43	11/20/85	FINAL PAY SCHEDULE REGARDING EMPLOYEE RESIGNATIONS
44	12/4/85	TRAVEL TIME COMPENSATION
45	12/20/85	AS 23.10.060(16) HOSPITAL EXEMPTION CLARIFIED WITH 3/14/86 AMENDMENT
46	12/24/85	STATE OVERTIME REQUIREMENTS
47	REMOVED	NOT APPLICABLE
48	1/16/86	OVERNIGHT FERRY TRAVEL COMPENSABLE
49	5/7/86	--MODIFIED BY NEW CASE LAW 1993 - TREMSCO--
50	5/20/86	MINING EXPLORATION SUBJECT TO WAGE AND HOUR ACT

WAGE AND HOUR OPINION LETTER (WHOL) REGISTER

NUMBER	DATE	SUBJECT MATTER
51	6/16/86	LANDSCAPE CONTRACTOR NOT EXEMPT FROM OVERTIME (CROSS REFERENCE PCOL #86)
52	VOIDED	--NEW REGULATION - 8 AAC 15.910(C)--
53	9/3/86	AIR TAXI PILOT EXEMPTION
54	REMOVED	NOT APPLICABLE
55	9/19/86	RETURN TRANSPORTATION (AMENDED BY VAIL V. COFFMAN)
56	REMOVED	--PROGRAM TRANSFERRED TO REVENUE--
57	12/1/86	FLEXIBLE WORK HOUR PLAN
58	REMOVED	NOT APPLICABLE
59	1/20/87	NUGEN'S RANCH POSITIONS - EXEMPT STATUS
60	1/26/87	OUTSIDE SALES PEOPLE - EXEMPT STATUS WITH 2/4/87 AMENDMENT
61	1/29/87	PROFESSIONAL EXEMPTION - FACTORS USED IN DETERMINING
62	2/9/87	ON-CALL AND STANDBY TIME (OVERTIME)
63	3/5/87	SAMPLE OVERTIME CALCULATIONS
64	4/1/87	SCHLUMBERGER'S ALASKA BONUS PLAN
65	3/31/87	COUNSELORS - PROFESSIONAL EXEMPTIONS
66	4/29/87	FLEXIBLE WORK HOUR PLAN MISSING FROM UNION AGREEMENT
67	6/19/87	EFFECT OF INVENTORY ON EXEMPT EMPLOYEE'S STATUS
68	7/24/87	CAR SALESPERSONS PAID ON STRAIGHT COMMISSION
69	7/24/87	SOLE CHARGE EXCEPTION UNDER FLSA NOT ADOPTED
70	8/4/87	COMPENSABLE HOURS ON 24 HOUR DUTY ASSIGNMENT
71	10/6/87	MONTHLY BONUS PLAN BASED ON UNIT HOURS
72	9/22/87	STRAIGHT COMMISSION EXEMPTION FORM O.T.
73	11/25/87	VOCATIONAL REHAB COUNSELOR - PROFESSIONAL EXEMPTION
74	12/14/87	REGULAR EMPLOYEES CANNOT ALSO BE CASUAL EMPLOYEES
75	3/18/88	DUTY OF 24 HOURS OR MORE
76	4/14/88	FISH CATCHER/PROCESSOR EMPLOYEES COVERED BY WAGE AND HOUR ACT
77	4/15/88	TRAVEL TIME ON SPECIAL ASSIGNMENT

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NUMBER	DATE	SUBJECT MATTER
78	VOIDED	--WHPL 113 AS AMENDED--
79	4/22/88	SHELTER VOLUNTEER SERVICES
80	9/8/88	STORE MANAGERS DO NOT QUALIFY FOR COMMISSION SALES EXEMPTION
81	2/28/89	TRAVEL PAY
82	6/6/89	EMPLOYMENT AGREEMENT AND LODGING COMPENSATION
83	5/11/89	MANAGER FILLING IN FOR WORKERS LOSES OVERTIME EXEMPTION
84	5/11/89	TEACHING PARENTS - PROFESSIONAL EXEMPTION
85	REMOVED	NOT APPLICABLE
86	11/15/89	EFFECT OF DAY RATE ON OVERTIME EXEMPTIONS WITH 12/19/89 AMENDMENT
87	12/7/89	LIVE-IN HOUSE PARENTS AND COUNSELORS - EXEMPT STATUS
88	12/11/89	EXEMPTING GOVERNMENT CONTRACTORS REQUIRED TO HAVE SECRET OR TOP SECRET SECURITY CLEARANCES FROM AS 23.10.037 (POLYGRAPH)
89	1/23/90	NEWSPAPERS EXEMPT FROM CHILD LABOR 8 AAC 15.910(10)
90	3/21/90	ADMINISTRATIVE AND EXECUTIVE EXEMPTIONS
91	3/21/90	FLEXIBLE WORK HOUR PLAN IS COLLECTIVE BARGAINING AGREEMENT
92	VOIDED	--FISH PROGRAM TRANSFERRED TO REVENUE--
93	5/30/90	WAGE AND HOUR ACT APPLICABILITY ON FEDERAL CONTRACTS
94	VOIDED	--FISH PROGRAM TRANSFERRED TO REVENUE--
95	2/12/91	RESPIRATORY THERAPISTS NOT PROFESSIONALS
96	5/20/91	ON-SITE STUDENT TRAINING EXEMPT
97	8/21/91	YOUTH ADVISORS/HOUSEPARENTS - EXEMPT STATUS
98	10/3/91	ALASKA BROADCASTING SALES CONTRACT
99	11/18/92	REPORTERS - PROFESSIONAL EXEMPTION
100	3/4/93	TRAVEL TIME
101	7/27/93	COMPENSABILITY OF TIME SPENT BY EMPLOYEES IN TRAINING/EMPLOYER'S RESPONSIBILITY TO PAY
102	8/23/93	ANCHORAGE CHRYSLER DODGE CENTER - ADMINISTRATIVE EXEMPTION OF SERVICE ADVISORS

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NUMBER	DATE	SUBJECT MATTER
103	10/6/93	ANCHORAGE CHRYSLER DODGE CENTER - SUPERVISORY EXEMPTION OF SERVICE ADVISORS
104	10/5/94	FPE ROEN ENGINEERS - STATE'S POSTURE ON FEDERAL POSITION RE WHETHER PAYMENT OF OVERTIME WILL DEFEAT AN OTHERWISE VALID EXEMPTION
105	11/9/94	EXEMPT STATUS OF CORONARY CARE UNIT TECHNICIANS
106	1/24/95	EXEMPT STATUS OF HELICOPTER PILOTS
107	1/25/95	COMPENSATION OF SCHOOL BUS DRIVERS FOR ON-CALL TIME WHEN NOT DRIVING BUS
108	5/4/95	EXEMPTION FROM OVERTIME - COMPUTER SYSTEMS ANALYSTS, PROGRAMMERS, SOFTWARE ENGINEERS & OTHER SIMILARLY SKILLED WORKERS IN COMPUTER SOFTWARE FIELD <u>(ISSUED IN CONJUNCTION WITH WEPL #166)</u>
108 AMENDED	4/14/98	EXEMPTION FROM OVERTIME - COMPUTER SYSTEMS PROGRAMMERS, ETC.
109	7/11/95	PROFESSIONAL EXEMPTION FOR NURSE PRACTITIONERS, PHYSICIANS ASSISTANT, CERTIFIED NURSE-MIDWIFE
110	4/30/96	DEFINITION OF "PERSONNEL FILE" AS TERM IS USED IN AS 23.10.430
110 ADDENDUM	5/6/96	DEFINITION OF "PERSONNEL FILE" SUPERCEDED BY SAAC15.910(a), effective 4/29/99
111	5/2/96	PAYMENT FOR TRAVEL TIME
112	8/13/96	DISCIPLINARY SUSPENSION WITHOUT PAY OF SALARIED EXEMPT EMPLOYEES
112 AMENDED	9/5/96	DISCIPLINARY SUSPENSION WITHOUT PAY OF SALARIED EXEMPT EMPLOYEES (amended)
113	8/23/96	APPLICABILITY OF AWA TO JOB CLASS DESIGNATED AS "SALES RESEARCH EXPERTS"
114	9/12/96	ADMINISTRATIVE OPINIONS ON NUMEROUS QUESTIONS CONCERNING ALASKA WAGE & HOUR LAW
115	10/9/96	TRAVEL TIME
116	10/29/96	USE OF POWER "DREMEL"-TYPE TOOLS BY 14 AND 15-YEAR-OLD MINORS
117	12/2/96	PAYMENT OF OVERTIME TO PUBLIC VERSUS PRIVATE SCHOOL BUS DRIVERS
118	4/2/97	EXEMPTION OF PHYSICIANS, TEACHERS, LAWYERS AND DENTISTS FROM SALARY/FEE TEST BASIS OF THE PROFESSIONAL EXEMPTION

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NUMBER	DATE	SUBJECT MATTER
119	4/7/97	TRAINING PRACTICES OF GATEKEY SCHOOL, A MASSAGE THERAPY TRAINING SCHOOL/PROFESSIONAL CENTER
120	4/25/97	CLARIFICATION OF THE OVERTIME REQUIREMENTS OF THE ALASKA WAGE & HOUR ACT
121	5/2/97	EXEMPTION FROM PROVISIONS OF OVERTIME FOR CAREGIVERS IN DOMESTIC SERVICE
122	6/26/97	DECISION ON EXEMPTION FROM OVERTIME - <u>MATERIALS SUPERVISORS</u>
123	8/15/97	APPLICATION OF STATE WAGE & HOUR LAWS TO MEMBER-OWNED CO-OPERATIVE HEALTH FOOD MARKET
124	10/15/97	MEETINGS AND TRAINING COMPENSATION
125	12/18/97	PAYMENT OF ADDITIONAL COMPENSATION ALONE NOT CAUSE FOR LOSS OF EMPLOYEES' EXEMPT STATUS
126	3/17/98	POLICY CLARIFICATION: MINORS EMPLOYED ON BOATS FOR PURPOSE OF FISHING VS. MINORS EMPLOYED ON BOATS AND PARTICIPATING IN SPILL-RESPONSE ACTIVITIES
127	4/7/98	CLARIFICATION OF AS 23.10.060, PAYMENT FOR OVERTIME - OBLIGATION TO PAY OVERTIME REGARDLESS OF WHETHER RATE OF COMPENSATION PAID FOR FIRST 40 HRS. WORKED WAS STRAIGHT-TIME OR OVERTIME?
128	4/30/98	PAY PRACTICES: WAIT STAFF PAID HOURLY BASE PAY AND "HOUSE FEE."
129	6/9/98	APPLICABILITY OF MINIMUM WAGE/OVERTIME EXEMPTIONS TO VARIOUS ACTIVITIES OF PRIVATE NON-PROFIT HATCHERIES.
130	7/9/98	NON-EXEMPT STATUS OF DENTAL HYGIENISTS
130 ADDENDUM	7/29/98	CLARIFICATION OF NON-EXEMPT STATUS OF DENTAL HYGIENISTS
131	8/20/98	DEDUCTIONS PURSUANT TO A COLLECTIVE BARGAINING AGREEMENT SATISFY 8 AAC 15.160(B)
132	9/21/98	MINORS UNDER 18 EMPLOYED IN THE ELECTRICIAN TRADE, EFFECTS ON CF REQUIREMENTS AND TRAINING PROGRAMS
133	10/12/98	INTERPRETATION OF 8 AAC 15.160, SPECIFICALLY, DEDUCTIONS FOR ROOM AND BOARD WHERE NO OTHER LODGINGS ARE ACCESSIBLE
134	12/02/98	TRAMWAY AS RETAIL OR SERVICE ESTABLISHMENT
135	12/15/98	OVERTIME ELIGIBILITY FOR COOKS AND FISH TECHNICIANS
136	01/29/99	PAYMENT FOR TRAVEL TIME TO EMPLOYEES WHO WORK VARYING DAY AND NIGHT SHIFTS WITHIN THE SAME WORKWEEK

WAGE AND HOUR OPINION LETTER (WHOL) REGISTER

NUMBER	DATE	SUBJECT MATTER
137	03/8/99	OVERTIME EXEMPTION DEALING WITH THE PREPARATION OF AGRICULTURAL PRODUCTS FOR MARKET
138	08/11/99	DEPARTMENT'S DETERMINATION AS TO WHETHER PARALEGAL EMPLOYEES QUALIFY AS EXEMPT EMPLOYEES
139	11/1/99	DEFINITION OF "PERSONNEL FILE AND OTHER PERSONNEL INFORMATION"
140	01/27/00	EXEMPT STATUS OF BREWMASTER
141	05/08/00	EMS PARAMEDIC EXEMPTIONS
142	12/06/00	TRAVEL TIME
143	01/17/01	COMPENSABILITY OF ON-CALL TIME
144	08/02/01	PAYROLL CARD PROGRAM
145	08/29/01	CORRECT WAGE CALCULATION
146	01/08/02	HOSPITAL EXEMPTION FROM OVERTIME FOR PATIENT SERVICES ASSISTANTS AND RESPIRATORY THERAPISTS
147	01/15/02	PAYMENT OF ADDITIONAL WAGES TO SALARIED EXEMPT EMPLOYEES
148	02/25/02	EXEMPT STATUS OF SECURITY OFFICER POSITIONS
149	4/15/02	NO EMPLOYER/EMPLOYEE RELATIONSHIP IN JOB SHADOWING PROGRAM (EXPOSURE TO BLOODBORNE PATHOGENS)
150	5/31/02	COMPENSABILITY OF TRAVEL TIME
151	6/11/02	USE OF SHARPENED TOOLS
152	6/28/02	PROFESSIONAL STATUS OF AIRLINE DISPATCHERS
153	7/3/02	PROFESSIONAL STATUS OF LEGAL ADVOCATE, VILLAGE OUTREACH/VOLUNTEER COORDINATOR, CHILDREN'S SERVICES COORDINATOR AND SHELTER OPERATIONS MANAGER
154	7/3/02	PROFESSIONAL STATUS OF FAMILY SUPPORT STAFF
155	9/26/02	EXEMPT STATUS OF ASSISTANT CONTROLLER
156	11/5/02	EXEMPT STATUS OF FLIGHT PARAMEDIC, FLIGHT NURSE, CLINICAL NURSE COORDINATOR
157	11/13/02	PROFESSIONAL EXEMPTION FOR PHYSICAL THERAPIST
158	12/13/02	STUDENT-LEARNER EXEMPTION